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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,564	09/29/2005	Frank Buhl	71828	5271
7590 Michael M Rickin Abb Inc Legal Department 4U6 29801 Euclid Avenue Wickliffe, OH 44092-1832			EXAMINER DESTA, ELIAS	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 08/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/520,564

**Applicant(s)**

BUHL ET AL.

**Examiner**

ELIAS DESTA

**Art Unit**

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/12/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## Detailed Action

### Response to Amendment

1. Applicant's arguments, see amendment, filed on July 13, 2007 and May 12, 2008, with respect to the rejection(s) of claims 15-34 under 35 U.S.C. 112, second paragraph and 35 U.S.C. 101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Further, the amendment to the drawing, Abstract and the specification is accepted by the Examiner. However, upon further consideration, a new ground(s) of rejection is made in view of Bornemann et al. (U.S. Patent 6,539,313, hereon Bornemann) and Lynch et al. (Advanced Technologies, 'The Development of a Wireless Modular Health Monitoring System for Civil Engineering', hereon Lynch).

### Claim rejection – 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-18, 21-24, 26-28 and 30-34 are rejected under 35 U.S.C. 102(e) as anticipated by Bornemann (U.S. Patent 6,539,313).

In reference to claims 15, 22 and 30: *Bornemann* teaches a method for monitoring the installation of a measurement device (see *Bornemann*, Abstract and column 1, lines 9-12). The method comprising: calculating from a time series the measurement signal a characteristic variable for the measurement device (see *Bornemann*, column 3, lines 39-49); comparing the characteristic variable with previously recorded reference values for the measurement device (see *Bornemann*, column 3, line 63 to column 4, line 2); and using the comparison as the basis to automatically generate a message as to whether the measurement device has been installed according to the manufacturers instructions so as to eliminate disturbing effects (see *Bornemann*, column 4, lines 4-11). As for the measurement device (claim 22) and the computer program product (claim 30), *Bornemann* includes the system have a machine and a program algorithm to carry out the steps noted above (see *Bornemann*, Fig. 1, steps 101 through 300).

With regard to claim 16: *Bornemann* further teaches that the measurement device is more than one measurement device and the measurement values related to each of the more than one measurement device are recorded in advance and associated on a device related basis to a respective one of the more than one measurement devices (see *Bornemann*, column 3, lines 54-60).

With regard to claim 17: *Bornemann* further comprising automatically producing from the comparison an installation standard as the message for at least one of the more than one measurement devices and indicating the message on the device (see *Bornemann*, column 4, lines 7-12).

With regard to claim 18: *Bornemann* further teaches that automatically producing from the comparison an installation standard as the message for at least one of the more than one measurement devices and transmitting the message to a higher level system where the message is indicated (see *Bornemann*, column 4, lines 13-22).

With regard to claim 21: *Bornemann* further teaches that message is generated automatically as a full text message because the error message signifies a message of correct or incorrect installation of the measurement device components (see *Bornemann*, Figs. 3 & 4, step 308 and 318 respectively).

With regard to claim 23: *Bornemann* further teaches that the measurement device comprising a comparator for comparing the characteristic variable with previously recorded reference values for the measurement device stored in a data memory (see *Bornemann*, column 3, line 63 to column 4, line 3).

With regard to claim 24: *Bornemann* further teaches that the measurement device comprising a display on which the message can be indicated (see *Bornemann*, Figs. 5 and 6).

With regard to claim 26: *Bornemann* further teaches that the measurement device for calculating a characteristic variable and the device for using the comparison are in a single appliance because the device is numerically controlled machine tool (see *Bornemann*, Abstract).

With regard to claim 27: *Bornemann* further teaches that the measurement device is single appliance which includes a comparator for comparing the characteristic

variable with previously recorded reference values for the measurement device stored in a data memory (see Bornemann, Fig. 2, Step 306, comparison of tool data).

With regard to claim 28: Bornemann further teaches that the measurement device is a single appliance which includes a display on which the message can be indicated (see Bornemann, Figs. 5 and 6).

With regard to claim 31: Bornemann further teaches that the computer program product wherein measurement device is more than one measurement device (see Bornemann, column 3, lines 54 to 62) and the measurement values related to each of the measurement device are recorded in advance (see Bornemann, column 3, line 64 to column 4, line 3) and associated on a device related basis to a respective one of the more than one measurement devices and the instructions for causing a computer to execute a method further comprise automatically producing from the comparison an installation standard as the message for at least one of the more than one measurement devices and indicating the message on at least one device (see Bornemann, column 4, lines 20-23).

With regard to claim 32: Bornemann further teaches that the computer program product of the measurement device includes more than one measurement device (see Bornemann, column 3, lines 54-62) and the measurement values related to each of the more than one measurement device are recorded in advance (see Bornemann, column 3, line 64 to column 4, line 3) and associated on a device related basis to a respective one of the more than one measurement devices and the instructions for causing a computer to execute a method further comprise automatically producing from the

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comparison an installation standard as the message for at least one of the more than one measurement devices and transmitting the message to a higher level system where the message is indicated (see Bornemann, column 4, lines 13-22).

With regard to claims 33 and 34: Bornemann further teaches that computer program product includes instructions for causing a computer to execute a method further comprise automatically generating the message as a full text message (see Bornemann, Figs. 3 & 4, step 308 and 318 respectively)

### **Claim rejection – 35 U.S.C. 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19, 20, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornemann (U.S. Patent 6,539,313) in view of Lynch (Advanced Technologies, 'The Development of a Wireless Modular Health Monitoring System for Civil Engineering').

In reference to 19 and 20: Bornemann teaches a monitoring procedure and installation for machine tools (measurement devices) with motor driven work spindle and a separate protection device (see Bornemann, column 1, lines 9 to 12). However, Bornemann does not teach such measurement devices are connected to a higher level system by a bus.

Lynch teaches a wireless structural monitoring system having sensors with data acquisition system with a bus connecting to a higher level database management and process system (see Lynch, Fig. 1 and page 2, last paragraph).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bornemann method for monitoring the installation of measurement device and incorporating a method of connecting measurement devices to a higher level through a system bus in order to establish a communication system that does not depend on one particular hardware or software configuration in order to provide a modular approach, doing so would allow the end user to have a lower total system cost, allows easier system upgrades and migration and enhances performance with lower latency and CPU overhead.

In reference to claims 25 and 29: Bornemann teaches a monitoring procedure and installation for machine tools (measurement devices) with motor driven work spindle and a separate protection device (see Bornemann, column 1, lines 9 to 12) having a display (see Bornemann, Figs. 5 and 6) but does not teach having a display arranged remotely from the measurement device.

Lynch teaches a wireless embedded structural monitoring system where the wireless sensors and microprocessors are in communication with the remote processing PC (see Lynch, Fig. 1). The PC includes a display to monitor or observe sensor data from a remote site.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bornemann monitoring procedure and



installation for measurement devices and incorporate a remote wireless processing system in order to collect relevant data from individual sensor and measurement devices and processing and analyzing the data at a remote site would allow a modular sensing and measurement system that provides an efficient and cost effective solution (see Lynch, page 4, 'conclusion'). .

### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Giroi et al. (U.S. Patent 4,478,713) teaches an automatic installation for liquid chromatography.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIAS DESTA whose telephone number is (571)272-2214. The examiner can normally be reached on M-Fri (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571)-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elias Desta  
Examiner  
Art Unit 2857

- E.D.

/Edward Raymond/  
Primary Examiner, Art Unit 2857

- August 13, 2008